

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PORTAL INSTRUMENTS, INC., :
Plaintiff, : 22 Civ. 9156 (LGS)
: :
-against- : ORDER
: :
LEO PHARMA A/S, :
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference is scheduled in this case for January 4, 2023, at 4:10 P.M. The purpose of this conference is to discuss the parties' proposed case management plan and Defendant's anticipated motion to dismiss.

WHEREAS, no significant issues were raised in the parties' joint letter and proposed case management plan, submitted December 28, 2022.

WHEREAS, on December 23, 2022, Defendant filed a motion to seal portions of the parties' Collaboration and License Agreement that forms the basis of this dispute. Defendant seeks to file under seal information related to royalty rates due to Plaintiff and specific budget amounts relevant to the project under development. These categories of information are unrelated to the parties' dispute. It is hereby

ORDERED that a Scheduling Order and Case Management Plan will issue separately. The parties' attention is particularly directed to the provisions for periodic status letters, and the need for a pre-motion letter to avoid cancellation of the final conference and setting of a trial date. The parties should be aware that the Court does not extend the deadlines for fact and expert discovery absent compelling circumstances. It is further

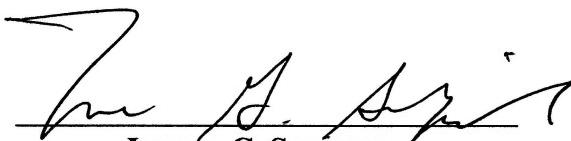
ORDERED that if and when the parties would like to proceed with a settlement conference before Magistrate Judge Aaron or use of any other alternative dispute resolution

mechanism, they shall file a joint letter on ECF requesting a referral for settlement discussions. It is further

ORDERED that Defendant's renewed motion to seal is **GRANTED**. As described in an Order issued December 20, 2022, the Complaint and its exhibits are judicial documents subject to particularly strong presumption of public access. *See Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 139-40, 142 (2d Cir. 2016). This presumption can be rebutted by a plausible showing of risk of competitive harm from revealing "specific business information and strategies." *Louis Vuitton Malletier S.A. v. Sunny Merch. Corp.*, 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015) (internal quotation marks omitted). Defendant's renewed letter motion sufficiently alleges risk of competitive harm resulting from the publication of this information and the proposed redactions are "narrowly tailored," as required by *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Plaintiff is directed to re-file the Complaint and its exhibits, with the redactions proposed by Defendant, by **January 4, 2023**. It is further

ORDERED that the parties shall be prepared to discuss Defendant's anticipated motion to dismiss at the conference scheduled for January 4, 2023.

Dated: December 29, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE